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October 30, 2024

VIA ECF

The Honorable Jessica G.L. Clarke
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Rapaport v. Iyer, et al.*, No. 1:23-cv-06709 (JGLC)
Defendants Iyer & Garrett's Response in Support of Motion for Leave to File
Consolidated Reply in Support of Motion to Dismiss and Opposition to
Plaintiff's Motion for Leave to File Second Amended Complaint

Dear Judge Clarke:

Defendants Iyer and Garrett respectfully provide a brief response to Plaintiff's recent letter. As Defendants demonstrated, it will be more efficient for the parties and the court if they file a combined reply in support of motion to dismiss and opposition to motion for leave to amend not to exceed 30 pages. Plaintiff opposes that request. However, the opposition is misguided in several ways, which Defendants' counsel would have addressed with Plaintiff had he responded to the meet-and-confer correspondence.

In all events, the thrust of Plaintiff's response is his belief that Defendants are currently only permitted a 5-page (single spaced) opposition to his motion for leave to file an amended complaint. Plaintiff cites no authority for that proposition. Moreover, while Plaintiff opted to file only a two-page motion for leave, he provides no basis for his belief that his decision to file a short motion limits the length of Defendants' opposition. Rather, Plaintiff's decision only underscores that he has not satisfied his burden of demonstrating why he should be permitted to amend his complaint yet again.

Plaintiff also incorrectly suggests that Defendants are effectively seeking reconsideration of the Court's earlier scheduling order. Of course, the scheduling order did not address any page limits, and Defendants do not seek any alteration to the current schedule. And, despite his apparent concerns to the contrary, Defendants' request would not preclude plaintiff from "hav[ing] the last word" on his motion for leave.

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Should Plaintiff determine that he needs additional pages for his reply in support of his motion for leave, Defendants anticipate consenting to any such request for a reasonable expansion of the page limits.

Accordingly, Defendants respectfully request leave to file a combined reply in support of motion to dismiss and opposition to motion for leave that does not exceed thirty pages.

Respectfully,

/s/ Brian J. Field
Brian J. Field
SCHAERR | JAFFE LLP

Counsel for Defendants
Ajay Iyer and Zachary Garrett

cc: *Pro se* Plaintiff (via ECF)
All counsel (via ECF)